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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,087	11/20/2000	Akira Ishida	P101201-00009	7871

7590 12/16/2004

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/715,087	ISHIDA, AKIRA	
	Examiner	Art Unit	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-13,15-17 are rejected under 35 U.S.C. 102(e) as being unpatentable by Akihiro et al (JP 09-284200).

Regarding claim 15 Akihiro et al teaches a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and transmits a control signal to a specific mobile station by forming an array antenna pattern, the wireless base station comprising (figs. 1,3):

a judging unit operable to, when the control signal is to be transmitted to the specific mobile station, judge if at least one of the following is satisfied: a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and a time lapse between the immediately preceding reception of the control signal exceeds a predetermined length; and (para. 0020-0025,0038, 0043, 0066-0069); and

a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless

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base station to transmit the control signal by forming an omnidirectional antenna pattern (para. 0020-0025, 0066-0069).

Regarding claim 11 Akihiro et al teaches wherein the control signal transmitted to the specific mobile station includes a message representing a link channel establishing request, a link channel establishing re-request, a link channel allocation request, or a link channel allocation rejection (para. 0020-0025, 0066-0069).

Regarding claim 12 Akihiro et al teaches wherein when the judging unit judges in the negative, the controlling unit controls the wireless base station so that the transmission using the array antenna pattern is performed with a raised transmission power (para. 0020-0025, 0066-0069).

Regarding claim 13 Akihiro et al teaches wherein when the controlling unit forces the wireless base station to transmit the control signal by forming the omnidirectional antenna pattern, in a case where a reception field strength of the mobile station is high, the controlling unit controls the wireless base station so that a transmission power is lowered temporarily (para. 0020-0025, 0066-0069).

Regarding claim 16 Akihiro et al teaches the judgment unit makes the judgment when a link channel establishing request is received in immediately preceding reception (para. 0020-0025,0038, 0066-0069).

Regarding claim 17 Akihiro et al teaches a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and transmits a control signal to a specific mobile station by forming an array antenna pattern, the controlling method comprising (figs. 2,3):

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a judging unit operable to, when the control signal is to be transmitted to the specific mobile station, judge if at least one of the following is satisfied: a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and a time lapse between the immediately preceding reception of the control signal exceeds a predetermined length; and (para. 0020-0025, 0038, 0043, 0066-0069); and

a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern (para. 0020-0025, 0066-0069).

Response to Arguments

3. Applicant's arguments filed 10-13-04 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicant's argument was that " Akihiro et al reference does not disclose or suggest the wireless base station, as claimed". In response, examiner would like to point out that Akihiro et al teaches the radio communication equipment concerning this invention is a radio communication equipment which consists of a base station which performs radio mutually, and a wireless terminal. A beam control for a base station to carry out the selection control of whether it transmits with the Omni beam and which beam of a narrow beam based on the other party information based on the signal received from a

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wireless terminal, It has the transmitting with the beam chosen by the beam control. The other party information is the sending-signal level of a wireless terminal, and the beam control is equipped with the first beam allocation processing section for performing either the Omni beam allocation processing and narrow beam allocation processing by the comparison result of the level test section which measures the sending-signal level of a wireless terminal, the level comparator for comparing with a predetermined threshold the sending-signal level measured by the level test section, and a comparator. See fig. 6, which step S30 supervises a received electric-field level measurement step, and step S31 supervises call origination, the step which compares received electric-field level measured value to the received electric-field level threshold to which step S32 was set beforehand, the step to which step S33 carries out allocation processing of the Omni beam to a call, and step S34 are steps which carry out allocation processing of the narrow beam. The level comparison with the threshold established beforehand is performed (step S32), and it is a threshold. If it becomes above, allocation processing of the Omni beam will be performed (step S33), and it is a threshold. If it becomes below, allocation processing of a narrow beam will be performed (step S34). The probability for the Omni beam to be assigned by this to wireless terminal 11A which exists in 1 or about 2 base station becomes high, and, on the other hand, a narrow beam (refer to 2a of drawing comes to be assigned to wireless terminal 11A which exists in a base station 1 and two distant places (para. 0020-0025, 0038, 0043, 0066-0069).

Here, the applicant has failed to provide specific arguments that point out the distinctions believed to render the claims patentable but instead offers a series of

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unsupported and general conclusions that amount to general allegations as discussed above. Thus, applicant's arguments fail to comply with 37 CFR.111 (b). It is a fundamental concept in administrative law that proper notice (e.g., notice to both the public and to the Office concerning the supposed errors in the examiner's Office action) should include specific and clear arguments that support the applicant's general conclusions. Additionally, the examiner has given the claim language its broadest reasonable interpretation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Anticipatory reference need not duplicate, word for word, what is in claims; anticipation can occur when claimed limitation is "inherent" or otherwise implicit in relevant reference (Standard Havens products Incorporated v. Gencor Industries Incorporated, 21 USPQ2d 1321).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
12/12/01